IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

Criminal Application No.557 of 2006

In

Criminal Appeal No.507 of 2006

Shri Malhari Pandharinath Gatkal & anr. .. Applicants
(Orig.Accused Nos.1 & 2)

v/s.

The State of Maharashtra .. Respondent

Mr.Ashwi Shete h/f Smt.P.P.Kakade for Applicants.

Mr.A.R.Patil, APP for Respondent.

CORAM : DR.S. RADHAKRISHNAN &
SMT.ROSHAN DALVI, JJ.

Dated : 23rd July, 2007

P.C. :

1. Heard the learned Counsel for the Applicant and the learned Additional Public Prosecutor for the Respondent-State.

2. The above Bail Application has been preferred by original Accused Nos.1 and 2 by name Malhari and Nivrutti. We

have perused the judgment and the evidence in the above matter. We find that Malhari and Nivrutti were having swords in their hands and due to their attack, the deceased Jayram had fallen. There is a clear evidence that Malhari had assaulted Jayram on his neck with sword and Nivrutti had assaulted him with sword on his head and the medical evidence substantiates the injuries on the person of Jayram. Over and above, the entire incident was witnessed by the father of the deceased- Jayram, who was also assaulted by these two Accused. Therefore, the conviction cannot be said to be based on no legal evidence.

3. In the aforesaid circumstances, we are not inclined to grant this Bail Application. The Bail Application stands rejected accordingly.

(DR.S. RADHAKRISHNAN, J.)

(ROSHAN DALVI, J.)